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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/736,392	12/15/2000	Joseph E. Augenbraun	WGATE5-14	8040
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PATTERSON & SHERIDAN, LLP/ SEDNA PATENT SERVICES, LLC 595 SHREWSBURY AVENUE SUITE 100 SHREWSBURY, NJ 07702			SALCE, JASON P	
			ART UNIT	PAPER NUMBER
			2614	

DATE MAILED: 02/27/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 09/736,392	Applicant(s) AUGENBRAUN ET AL.	
	Examiner Jason P. Salce	Art Unit 2614	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 15 November 2005.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 16-33 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 16-33 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Response to Arguments

1. Applicant's arguments filed 11/15/2006 have been fully considered but they are not persuasive.

Applicant argues that Gordon does not teach the limitation of "the video image having a plurality of frames being independently controllable sections in the web page". In order to support the Applicant's argument, the Applicant cites Column 7 and Column 8, which describe the foreground and background video images that are produced by the OSD, and states that these layers do not comprise frames, much less HTML frames. The examiner agrees that Column 7 and Column 8 teaches these limitations, however, these teachings of Gordon only teach how an OSD is generated and the Applicant has not taken into consideration the cited passages set forth by the examiner. The first set of limitations in Applicant's independent claim 16 states, "a method for navigating video images". The examiner notes that the generation of the OSD only provides a display for navigation and does not provide the method for navigating. The examiner has previously cited Column 46, Lines 46-53, which states that navigation descriptor files (which are used to provide the proper navigation for selecting objects in the video image produced by the OSD discussed above) provide an HTML-like syntax to navigate through the video image displayed in Figure 3. Also further note that in the HTML-like syntax, multiple regions can be defined (see Column 8, Lines 54-57) where each region represents a frame. Therefore, since each region "lists all of the bitmaps that reside within an individual region on the screen", clearly a frame can be provide

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navigation through multiple selections/bitmaps (as shown in Figure 3) on the video screen (which provides the video image). Therefore the navigator descriptor files clearly teach that a video image has a plurality of frames (regions) corresponding to HTML frames in at least one web page (note that HTML frames are used to construct a web page, and since Gordon provides HTML-like syntax in the navigator descriptor file, this provides navigation through a video image having a plurality of frames, where the frames correspond to HTML frames in at least one web page, because if a region/frame is defined using HTML-like syntax, then clearly a syntax that is HTML-like in nature clearly corresponds to HTML frames in at least one web page). Therefore, Gordon clearly teaches the limitation of "the video image having a plurality of frames being independently controllable sections in the web page".

Applicant also argues that added claim 33 is not taught by Goodman, however the examiner disagrees. Goodman teaches two processes that could be interpreted to read on the broad claim limitations of claim 33. The first is stated in Goodman at Column 4, Lines 3-6, which states that the operation of the cursor movement keys 110-116 are interpreted when the Fn key 102 is active to emulate a PS/2 compatible mouse pointing device. Note that the mouse functionality is activated in response to a key selection and further note that when a button is pressed, it is clearly pressed for a certain period of time, therefore if a threshold is zero, then the Fn key 102 that is pressed is clearly pressed for more than a certain threshold amount of time. Second, Goodman teaches an additional functionality of speeding up the mouse sensitivity, where is a user holds down the directional key for more than a threshold amount of time

then a specific mouse functionality is activated (see Column 5, Lines 1-8). Therefore, Goodman clearly teaches the broad claim limitations stated in claim 33.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

2. Claims 16-26, 28 and 30-32 are rejected under 35 U.S.C. 102(e) as being clearly anticipated by Gordon et al. (U.S. Patent No. 6,208,335).

Referring to claim 16, Gordon discloses receiving, by a cable headend, a navigation command initiated from a remote control associated with a set top box (see Column 2, Lines 6-16 and Column 6, Lines 50-54), the navigation command including a requested direction (see Column 6, Lines 42-45 for providing a requested direction) and being associated with a selected object on a video image (see Column 6, Lines 39-41 and Figure 3), the video image having a plurality of frames corresponding to HTML frames in at least one web page (see Column 8, Lines 45-51 and defining a region at Column 8, Lines 54-57 (further note arguments above)), the frames being independently controllable sections in the web page (see Column 6, Lines 39-50 for navigating through a reference region, where the regions are further defined at Column 7, Lines 54-57 and

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the sample web page code described at Column 9, Line 30 through Column 12, Line 17), the video image being presented on a display device associated with the set top box (see set top box 136 and display device 140 in Figure 1 and an example video image in Figure 3), the selected object being within a first frame on the video image (see the video image in Figure 3 for containing four separate quadrants (frames) that each contains two objects that are selectable and further note Column 10, Lines 18-29, which defines the wheel frame in Figure 19, which provides multiple selectable objects, which are used to search video programs by alphabetical order).

Gordon also discloses determining, by the cable headend, whether the selected object is located at an edge of the first frame in the requested direction (see Column 6, Lines 57-66 for requests to the video session manager including menu navigation commands and Column 6, Lines 39-50 for navigating through the various objects on the video image of Figure 3, therefore the video session manager determines that an edge of a first frame is in the requested direction). Further note Column 11, Line 1 through Column 12, Line 17 and Figure 19, which defines every button (where certain buttons are defined in one region as discussed above) and the different directions that must be taken when navigation through each button, where certain directions would guide the viewer from one frame to another.

Gordon also discloses providing navigation on the display device (see Column 6, Lines 39-50), the navigation being in the requested direction from the selected object in the first frame to a same-frame object that is also in the first frame (note that in Figure 3 if Movie Types is currently selected and the viewer moves to New Releases, then this is

within a first quadrant and therefore the same-frame object that is also in the first frame and further note above that in Figure 19 that the wheel frame allows the user to navigate from "A-E" to "F-J", therefore a same-frame object can be selected within the single wheel frame), when the selected object is not located at an edge of the first frame in the requested direction (the selected object would inherently not be located at an edge of the first frame in the requested direction if a same-frame object was selected, because if it was, the selection would move the viewer to a second frame).

Gordon also discloses providing navigation on the display device (see Column 6, Lines 39-50), the navigation being in the requested direction from the selected object in the first frame to a different-frame object in a second frame (see Figure 3 for moving from Movie Types to Movies A-Z), when the selected object is located at an edge of the first frame in the requested direction (see Figure 3 for Movies A-Z being at the edge of Movie Types), the second frame being in the requested direction from the first frame (see Figure 3 for the first frame being in the selected direction from Movies Types to Movies A-Z). The examiner notes that New Releases and Movie Types constitute a first frame and Movies A-Z and The Stars constitute a second frame.

Referring to claim 17, Gordon discloses determining that the selected object is located at the edge of the first frame is performed by a directional guide mapping application in the cable headend (see information server 108 and video session manager 122 in Figure 1 and Column 5, Lines 37-41 and the rejection of claim 16 for presenting the results of the navigational functionality and Column 2, Lines 6-11 for the

navigation being controlled by “software” at the headend (video session manager 122 and information server 108 and CATV source 128 in Figure 1)).

Referring to claim 18, Gordon discloses the directional guide mapping application is for generating direction guide maps (see Column 8, Lines 39-53 the navigator asset builder software program building the direction guide maps) and for comparing the requested direction to an edge of frame indication associated with the selected object in the directional guide maps (see again Column 6, Lines 39-54 and the rejection of claim 16 for the presenting the results of the navigational functionality).

Referring to claim 19, Gordon discloses that the selected object is located at the edge of the first frame, if the requested direction matches the edge of frame indication (see Column 6, Lines 39-54 for navigating through different frames and further note the arguments above and the rejection of claim 16 for also navigating within a first frame).

Referring to claim 20, Gordon discloses that the second frame is determined by a browser processing controller in the cable headend by searching the directional guide maps to locate a particular directional guide map that is adjacent to the first frame in the request direction from the selected object (see Column 6, Lines 39-66 and video session manager 122 and information server 108 in Figure 1 and Column 8, Lines 32-57 for searching the directional guide maps for the proper direction to guide the viewer, where the guide maps are described in Column 11, Line 1 through Column 12, Line 17). Again, note Column 2, Lines 6-17 for the video session manager 122 containing the software to navigate the set top terminal through multiple menus.

Referring to claim 21, Gordon discloses that the browser processing controller determines the particular directional guide map based on a comparison of geometries of the first frame and the second frame (see Figure 3 for the frames being drawn adjacent to one another, therefore the browser references a directional guide map that instructs the browser to move from frames adjacent to one another when the viewer selects movement from a first frame to a second frame). Also note Column 11, Line 1 through Column 12, Line 17, which defines the directional guide maps, which describe the buttons and which same-frame objects or additional frames that can be access to move from frames adjacent to one another. Further note Column 8, Lines 32-44 for the builder software program using a particular navigator descriptor file (or files) to generate the information used to navigate through the video image that corresponds to HTML frames in at least one web page.

Referring to claim 22, Gordon discloses that the directional guide maps are linked in an order corresponding to each web page (see Figures 3 and 4 for two different web pages that are linked to there corresponding directional guide maps (shown in Column 11, Line 1 through Column 12, Line 17) or else when a user navigates through the web page, the viewer will not be directed to the proper areas of the web page). Further note that each web page can be linked to other web pages (see Column 13, Line 42 through Column 14, Line 5 and Figure 5 for each applet being linked to other applets, which provides the MPEG video screen, which again, contain a plurality of frames that correspond to HTML frames in at least one web page (see rebuttal to Applicant's arguments above).

Referring to claim 23, Gordon discloses that the different frame object is the object in the second frame that is closet to the selected object in the first frame (see Figure 3 for the Movie Types object in the first frame being adjacent to the Movies A-Z object in the second frame). Again note Column 11, Line 1 through Column 12, Line 17 for the buttons providing the proper navigation from one object to another in the same frame or a different frame.

Referring to claim 24, see the rejection of claim 16 and note that Gordon further discloses a browser application (see the software located in the video session manager 122 that interprets the users commands (see the rejection of claim 16) and the GUI in Figure 3), directional guide mapping application (see again Column 8, Lines 32-50 for the builder software and directional guide maps), a cable headend for receiving and transmitting video programming and Internet-based information including the at least one web page (see elements 108, 122, 128 in Figure 1), the cable headend including the browser application and the directional guide mapping application (see elements 108 and 122, which are part of the headend and Column 2, Lines 6-16 for the navigational functionality being processed at the headend), a plurality of set top boxes for receiving the video programming and Internet-based information (see elements 106(1) through 106(n)) and a cable distribution network for linking the cable headend to the set top boxes (see cable transport system 104 in Figure 1). See arguments above about the HTML-like syntax of Gordon corresponding to HTML frames, and note that the same logic applies to the limitation "Internet-based" information and "the image including at least one web page".

Referring to claim 25, Gordon further discloses that the set top box further comprises a decoder for decoding the video programming and Internet-based information (see decoder 206 in Figure 2).

Gordon also discloses a navigation application for requesting information and controlling navigation by sending command to the cable headend (see command receiver 210 and back channel transmitter 208 in Figure 2 and note again Column 2, Lines 6-16 for the video session manager 122 receiving navigation requests from the set top terminal).

Referring to claim 26, Gordon discloses a keyboard linked to at least one set top box for requesting navigation on the video display through the navigation application (see keyboard 138 in Figure 1).

Referring to claim 28, see the rejection of claim 26 and Column 5, Lines 25-26.

Referring to claim 30, Gordon discloses a RAM 220 in Figure 2 and Column 8, Lines 39-41 for storing a portion of the directional guide maps, in the form of a final pseudo MPEG bitstream which displays the video image corresponding to HTML frames in at least one web page.

Referring to claim 31, Gordon discloses a memory 126 in the video session manager 122 in Figure 1 and note Column 12, Lines 19-36 for commands being sent to the navigation guide maps in the video session manager 122.

Referring to claim 32, Gordon discloses a display device 140 in Figure 1.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 27, 29 and 33 are rejected under 35 U.S.C. 103(a) as being unpatentable over Gordon et al. (U.S. Patent No. 6,208,335) in view of Goodman et al. (U.S. Patent No. 6,100,875).

Referring to claim 27, Gordon discloses a keyboard in Figure 1 (see element 138).

Gordon fails to teach converting a keyboard command into a mouse cursor movement control command, as recited in claim 27.

Goodman discloses a keyboard that allows a user to press a key that cause the keyboard to emulate a mouse's cursor movements (see Column 2, Lines 1-8).

At the time the invention was made, it would have been obvious to a person of ordinary skill in the art, to modify the keyboard (element 30 in Figure 2), as taught by Kamada, using the keyboard w/ mouse emulation, as taught by Goodman, for the purpose of allowing a user to perform mouse-like operations without the necessity of a flat, steady surface (see Column 1, Lines 56-62 of Goodman) and also eliminate the need for an extra device (an actual mouse), which would provide an extra port to the user for connecting another external device.

Referring to claim 29, see the rejection of claim 27.

Claim 33 corresponds to claim 27, where Goodman further teaches two processes that could be interpreted to read on the broad claim limitations of claim 33. The first is stated in Goodman at Column 4, Lines 3-6, which states that the operation of the cursor movement keys 110-116 are interpreted when the Fn key 102 is active to emulate a PS/2 compatible mouse pointing device. Note that the mouse functionality is activated in response to a key selection and further note that when a button is pressed, it is clearly pressed for a certain period of time, therefore is a threshold is zero, then the Fn key 102 that is pressed is clearly pressed for more than a threshold amount of time. Second, Goodman teaches an additional functionality of speeding up the mouse sensitivity, where is a user holds down the directional key for more than a threshold amount of time then a specific mouse functionality is activated (see Column 5, Lines 1-8). Therefore, Goodman clearly teaches the broad claim limitations stated in claim 33.

Conclusion

4. THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of

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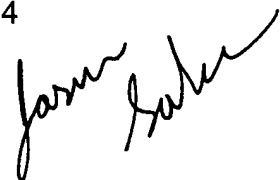
the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jason P. Salce whose telephone number is (571) 272-7301. The examiner can normally be reached on M-F 9am-6pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Miller can be reached on (571) 272-7353. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Jason P Salce
Patent Examiner
Art Unit 2614

A handwritten signature in black ink, appearing to read "Jason Salce", written in a cursive style.

February 9, 2006